

BOARD OF NURSING MINUTES

April 14, 2005

- PRESENT:** Marilyn Kaufmann, June Bahr, Terri Garcia, Blaine Ropson,
Kathleen Sullivan, Jacqueline Johnsrud, Marie Kohlbeck
- EXCUSED:** Peggy Heine
- STAFF PRESENT:** Kimberly Nania, Director of Health Service Professions; Colleen Baird,
Legal Counsel; Gina York, Bureau Assistant, and other DRL staff
- GUESTS:** Gina Dennik-Champion, WNA; Freddi Adelson (accompanied Karen Cuccia) and
15 Students observed

CALL TO ORDER

Jacqueline Johnsrud, Chair, called the meeting to order at 8:50 a.m. A quorum of seven members present for today's meeting.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: Under Presentation of Proposed Stipulation Received After the Mailing of the Agenda – Add names Pamela Kestin, RN; Christine Wolf, RN; and Debra Ann Kuepper, LPN
- Open Session: After Presentation of Proposed Stipulations - Add Review of 2006 Meeting Dates
- Open Session: Under Report of WI Nursing Redesign Consortium – Add Correspondence from WNA
- Closed Session: Under Deliberation of Monitoring Received After the Mailing of the Agenda – Add Names Karen Davis; Susan Kjelland; Holly LaVoie; Cindy Wierichs; Robert Peters
- Closed Session: Under Deliberation of Proposed Stipulation Received After the Mailing of the Agenda – Add names Pamela Kestin, RN; Christine Wolf, RN; and Debra Ann Kuepper, LPN
- Closed Session: Under Deliberation of Administrative Warnings Received After the Mailing of the Agenda- Add C.K. (02 NUR 311); and B.G. (02 NUR 005)

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to approve the agenda of April 14, 2005 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 10, 2005

Amendments the Minutes:

- Page 6: Under Closed Session - In motion, change June Bahr to Kathleen Sullivan.

MOTION: June Bahr moved, seconded by Jacqueline Johnsrud, to approve the March 10, 2005 minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Administrator for Division of Board Services, informed the Board that there has been an appointment by the Governor and new DRL Secretary. Her name is Celia Jackson and her first day will be April 25, 2005. Dr. Nania also reported that the building renovations have begun again and the target date of September 2005 has been set for its completion.

PRESENTATION REGARDING SMALL BUSINESS REVIEW COMMITTEE CHRISTOPHER KLEIN

Chris Klein, Legislative Liaison, presented information regarding a change in the rules process due to the passing of Act 145 in the last legislative session, which now requires all rules to have a small business review. Mr. Klein explained to the Board the role of the two separate bodies that will be reviewing rules for small businesses; the DRL Small Business Review Advisory Committee and the separate Small Business Regulatory Review Board. Each of their roles will be to review all rules that may affect small business with less than twenty-five employees and have an income of less than five million dollars a year. These bodies will determine if it will have a significant impact on small business and then make recommendations to the Board for their review and adoption. Each Board will determine when they wish to have the Small Business Review Advisory Committee review done. The Department's Committee plans to do reviews on a quarterly basis to keep abreast of all pending rules and ensure timely impact determinations are made.

PRESENTATION OF PROPOSED STIPULATIONS

There were five proposed stipulations before the Board at today's meeting. They were regarding the following individuals Julie Ann Lambert, LPN (02 NUR 46); Robert Mackins, LPN (04 NUR 173); Steven Skelton, RN (03 NUR 247); Yvonne Welle, RN (03 NUR 133); and Debbie Zangl, RN (03 NUR 212)

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA

There were three proposed stipulations received after the mailing of the agenda before the Board at today's meeting. They were regarding the following individuals Pamela Kestin, RN; Christine Wolf, RN; and Debra Ann Kuepper, LPN.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, at today's meeting. Attorney Baird provided an update on court cases and was available for questions and clarification.

DISCUSSION ON ADMINISTRATIVE RULE CHANGES

Pamela Haack, Legal Office, provided the status and copies regarding administrative rules that are in various stages in the rulemaking process. Ms. Haack shared with the board what would need to be done with each rule. The Board will review these rules in detail and consult with their Legal Counsel, Colleen Baird.

CORRESPONDENCE FROM LINDA SANNER

The Board reviewed the correspondence received from Linda Sanner regarding Alcohol/Drug Abuse Orders. Colleen Baird, Legal Counsel, prepared a draft response letter for review and approval by the Board. The letter was approved by the Board and Attorney Baird will finalize and send to Ms. Sanner.

INFORMATIONAL ITEMS

CORRESPONDENCE FROM GOOD WILL AMBASSADOR FROM KATHLEEN SULLIVAN

The Board reviewed the correspondence sent by Kathleen Sullivan, the good will ambassador. Ms. Sullivan provided a copy to the Board to keep them abreast of her activities and correspondence she has sent on behalf of the Board.

REPORT WI NURSING REDESIGN CONSORTIUM CORRESPONDENCE FROM WNA

Marilyn Kaufmann reported issues covered at the Wisconsin Nursing Redesign Consortium meeting. Gina Dennik-Champion, WNA, informed the Board that there would be town hall meetings throughout the state to allow input from the nursing profession regarding this issue and whether they would support a licensing fee increase. The Board noted and appreciated visitors input on this topic.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Marilyn Kaufmann reported to the Board that the Education and Licensure Committee reviewed information regarding one college. The Board considered the Bryant and Stratton ADN materials submitted for consideration and approval along with the Committee's recommendations and took the following action(s).

MOTION: Blaine Ropson moved, seconded by Marie Kohlbeck, to recommend that the nursing program courses for semesters three through five of the Bryant and Stratton ADN program be approved with the stipulation that evaluations of each nursing course, by instructors teaching the course, be conducted as each is completed, including

recommendations for change. These evaluations and recommendations should be submitted to the Board after the first year and a self-evaluation report of the total curriculum be submitted within six months after graduation of the first class. Motion carried unanimously.

Board's Action

MOTION: Marie Kohlbeck moved, seconded by June Bahr, to accept all recommendations of the Education and Licensure Committee regarding Bryant and Stratton College ADN program that the nursing program courses for semesters three through five of the Bryant and Stratton ADN program be approved with the stipulation that evaluations of each nursing course, by instructors teaching the course, be conducted as each is completed, including recommendations for change. These evaluations and recommendations should be submitted to the Board after the first year and a self-evaluation report of the total curriculum be submitted within six months after graduation of the first class. Motion carried unanimously.

Board's Action

MOTION: Kathleen Sullivan moved, seconded by June Bahr, to accept the report of the Education and Licensure Committee. Motion carried unanimously.

REPORT OF PRACTICE COMMITTEE

Blaine Ropson reported to the Board that there was one practice questions provided by Legal Counsel for the Committee to consider at today's meeting. The Committee discussed various options and the development of the draft for the position paper regarding "Options of Licensure Status". Kimberly Nania will find out what kinds of problems could exist if the Board would decide to re-initiate the inactive status for licensees and what type of fiscal impact it may have on the Department. Kathleen Sullivan will prepare a draft of this position paper for review at the next Practice Committee meeting.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to accept the report of the Practice Committee. Motion carried unanimously.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, throughout today's meeting as needed.

VISITOR COMMENTS

The Board shared basic information regarding Board meetings and committees with the students that observed today's meeting and allowed time for questions.

CONVENE TO CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: June Bahr-yes, Marilyn Kaufmann-yes, Blaine Ropson-yes, Kathleen Sullivan-yes; Terrie Garcia-yes, Marie Kohlbeck-yes, Jacqueline Johnsrud-yes.

Open Session recessed at 9:37 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Kathleen Sullivan moved, seconded by June Bahr, to reconvene into open session at 12:55 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to approve all decisions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

None.

CORRESPONDENCE REGARDING REINSTATEMENT OF LICENSURE KAREN CUCCIA

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant full licensure to Karen Cuccia as an LPN. Motion carried unanimously.

MONITORING

APPEARANCES BEFORE THE BOARD

GREGORY DICKERT

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to deny reinstatement of a limited license in the matter of Gregory Dickert, and require him to have six months proof of sobriety, clean urine screens, have a psychological evaluation and an AODA assessment completed from two different board approved evaluators and require both evaluators to provide a statement of fitness to practice. Mr. Dickert will be required to have 30 urine screens with some to include random ETG testing. The Board will review his Psychological and AODA Assessments, Fitness to Practice Statements, and his compliance with urine screens, and if found satisfactory may grant him a limited license for the sole purpose of taking a refresher course. Upon satisfactory completion of the refresher course, the Board will consider issuing a five year limited license to Mr. Dickert. Motion carried unanimously.

REQUESTS FOR REINSTATEMENT OF LICENSURE

VINCENT BERGSTROM

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to grant reinstatement of full licensure to Vincent Bergstrom. Motion carried unanimously.

KATHLEEN (ROBERGE) FROST

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to deny reinstatement of full licensure to Kathleen (Roberge) Frost based on incompleteness of the Wisconsin five year Board Order. We would consider granting credit for the three years of the Minnesota Health Professional Services Program (HPSP), but the two years remaining on the Wisconsin Board Order must be successfully completed. Motion carried unanimously.

LISA KIRSCHBAUM

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann to defer a decision until receipt of pending information regarding possible Board Order violation. Motion carried unanimously.

BRIAN WILLIAMS

MOTION: Blaine Ropson moved, seconded by Marie Kohlbeck, to grant full reinstatement of licensure to Brian Williams. Motion carried unanimously.

BONNIE KIRCHBERG

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to deny reinstatement of full licensure to Bonnie Kirchberg and request her to have a psychological evaluation completed with inclusion of a fitness to practice statement from a Board approved psychologist, require her to have a rehab review done, and request her to appear before the Board. Motion carried unanimously.

NANCY PETROSKE

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to grant full reinstatement of licensure to Nancy Petroske. Motion carried unanimously.

REQUESTING STAY OF SUSPENSIONS AND/OR MODIFICATIONS

ANITA JONES

MOTION: Kathleen Sullivan moved, seconded by Marie Kohlbeck, to deny the request for reinstatement of her stay of suspension and request a fitness to practice statement from her therapist. Ms. Jones is required to sign up with First Lab, and her therapist must submit therapy reports on the proper forms. Reason for Denial: Due to Ms. Jones non-compliance of her Board Order. Motion carried unanimously.

RICHARD ROMER

MOTION: Marie Kohlbeck moved, seconded by June Bahr, to deny reinstatement of a three-month stay due to failure to comply with lab tests. Request Mr. Romer to submit documentation of his mother's hospitalization from January 21-29, 2005 from her treating physician. Motion carried unanimously.

MADGE KRUEGER

MOTION: Kathleen Sullivan moved, seconded by June Bahr, to grant a three-month stay to Madge Krueger but deny her request for modifications, therefore no changes will be made. Reason for Denial: Due to lack of support from her therapist. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

KAREN DAVIS

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to suspend the limited license of Karen Davis, due to violation of the Board Order. Motion carried unanimously.

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to issue a complaint against the Reedsburg Physicians Group RN Supervisor for allowing an LPN to practice there without a license. Motion carried unanimously.

SUSAN KJELLAND

MOTION: Marie Kohlbeck moved, seconded by Terrie Garcia, to suspend the license of Susan Kjelland due to non-compliance of the Board Order. Motion carried unanimously.

HOLLY LAVOIE

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to suspend the license of Holly LaVoie for a minimum of one year due to relapse. Motion carried unanimously.

CINDY WIERICHS

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to suspend the license of Cindy Wierichs for a minimum of one year due to failure to comply with the Board Order. Motion carried unanimously.

ROBERT PETERS

MOTION: Marie Kohlbeck moved, seconded by Terrie Garcia, to indefinitely suspend the license of Robert Peters. Motion carried unanimously.

STIPULATIONS

JULIE ANN LAMBERT, LPN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Julie Ann Lambert, LPN. Abstained - June Bahr. Motion carried.

ROBERT MACKINS, LPN

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Robert Mackins, LPN. Motion carried unanimously.

STEVEN SKELTON, RN

MOTION: Marie Kohlbeck moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Steven Skelton, RN. Motion carried unanimously.

YVONNE WELLE, RN

MOTION: June Bahr moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Yvonne Welle, RN. Motion carried unanimously.

DEBBIE ZANGL, RN

MOTION: Kathleen Sullivan moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Debbie Zangl, RN. Motion carried unanimously.

STIPULATIONS RECEIVED AFTER MAILING OF AGENDA

PAMELA KESTIN, RN

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Pamela Kestin, RN. Motion carried unanimously.

CHRISTINE WOLF, RN

MOTION: Blaine Ropson moved, seconded by June Bahr, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Christine Wolf, RN. Motion carried unanimously.

DEBRA ANN KUEPPER, LPN

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Debra Ann Kuepper, LPN. Motion carried unanimously.

ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA

C.K. 02 NUR 311

MOTION: June Bahr moved, seconded by Blaine Ropson, to issue an administrative warning to C.K., Case 02 NUR 311. Motion carried unanimously.

B.G. 02 NUR 005

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to issue an administrative warning to B.G., Case 02 NUR 005. Motion carried unanimously.

FINAL DECISIONS AND ORDERS RECEIVED AFTER MAILING OF AGENDA

None.

DIVISION OF ENFORCEMENT & CASE STATUS REPORT

MOTION: Marie Kohlbeck moved, seconded by Terrie Garcia, to close case **05 NUR 038** for P7. Abstained – June Bahr. Motion carried.

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to close case **04 NUR 327** for insufficient evidence. Motion carried unanimously.

MOTION: Blaine Ropson moved, seconded by Marie Kohlbeck, to close case **04 NUR 375** for insufficient evidence. Abstained – June Bahr. Motion carried.

MOTION: June Bahr moved, seconded by Blaine Ropson, to close case **04 NUR 210** for no jurisdiction. Abstained – Marie Kohlbeck. Motion carried.

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to close case **04 NUR 167** for P5, with a flag on the credentialing system. Motion carried unanimously.

MOTION: Marie Kohlbeck moved, seconded by Marilyn Kaufmann, to close case **04 NUR 272** for no violation. Motion carried unanimously.

- MOTION:** June Bahr moved, seconded by Blaine Ropson, to close case **04 NUR 274** for no violation. Motion carried unanimously.
- MOTION:** June Bahr moved, seconded by Kathleen Sullivan, to close case **04 NUR 318** for no violation. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to close case **04 NUR 166** for insufficient evidence. Abstained – Marie Kohlbeck. Motion carried.
- MOTION:** Blaine Ropson moved, seconded by Marie Kohlbeck, to close case **03 NUR 340** for no violation. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by June Bahr, to close case **02 NUR 092** for compliance gained. Motion carried unanimously.
- MOTION:** Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to close case **99 NUR 167** for P5. Abstained - June Bahr. Motion carried.
- MOTION:** Marilyn Kaufmann moved, seconded by Blaine Ropson, to close case **05 NUR 056** for P5 with a flag on the credentialing system. Abstained - June Bahr. Motion carried.

OTHER BOARD BUSINESS

APPOINTMENT OF DELEGATES TO THE NURSING DELEGATE ASSEMBLY IN WASHINGTON, D.C.

The Board discussed the appointment of delegates to the Nursing Delegate Assembly to be held in Washington, D.C. and took the following action.

- MOTION:** Terrie Garcia moved, seconded by Blaine Ropson, to designate Marilyn Kaufmann or Kathleen Sullivan as the Board's delegates and Kimberly Nania, as the alternate delegate, for Wisconsin to attend the Delegate Assembly. Motion carried unanimously.

2006 MEETING DATES

The Board reviewed the meeting dates for the year 2006 at today's meeting and took the following action.

- MOTION:** Marie Kohlbeck moved, seconded by Marilyn Kaufmann, to approve the 2006 meeting dates. Motion carried unanimously.

ADJOURNMENT

- MOTION:** Kathleen Sullivan moved, seconded by Marie Kohlbeck, to adjourn the meeting at 1:08 p.m. Motion carried unanimously.